

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1789**  
**96TH GENERAL ASSEMBLY**

5932L.03C

D. ADAM CRUMBLISS, Chief Clerk

---

**AN ACT**

To repeal sections 162.431 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to travel hardships of public school pupils.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 162.431 and 167.121, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 162.431 and 167.121, to read as follows:

162.431. 1. When it is necessary to change the boundary lines between seven-director  
2 school districts, in each district affected, ten percent of the voters by number of those voting for  
3 school board members in the last annual school election in each district may petition the district  
4 boards of education in the districts affected, regardless of county lines, for a change in  
5 boundaries. The question shall be submitted at the next election, as the term election is  
6 referenced and defined in section 115.123.

7 2. The voters shall decide the question by a majority vote of those who vote upon the  
8 question. If assent to the change is given by each of the various districts voting, each voting  
9 separately, the boundaries are changed from that date.

10 3. If one of the districts votes against the change and the other votes for the change, the  
11 matter may be appealed to the state board of education, in writing, within fifteen days of the  
12 submission of the question by either one of the districts affected, or in the above event by a  
13 majority of the signers of the petition requesting a vote on the proposal. At the first meeting of  
14 the state board following the appeal, a board of arbitration composed of three members, none of  
15 whom shall be a resident of any district affected **or a current or retired school administrator**,  
16 shall be appointed. In determining whether it is necessary to change the boundary line between  
17 seven-director districts, the board of arbitration shall base its decision upon the following:

18 (1) The presence of school-aged children in the affected area;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 (2) [The presence of actual educational harm to school-aged children, either due to] A  
20 significant difference in the time involved in transporting students [or educational deficiencies  
21 in the district which would have its boundary adversely affected]; and

22 (3) The presence of an educational necessity, not of a commercial benefit to landowners  
23 or to the district benefitting for the proposed boundary adjustment.

24

25 [For purposes of subdivision (2) of this subsection,] "Significant difference in the time involved  
26 in transporting students" shall mean a difference of forty-five minutes or more per trip in travel  
27 time. "Travel time" is the period of time required to transport a pupil from the pupil's place of  
28 residence or other designated pick-up point to the site of the pupil's educational placement.

29 4. Within twenty days after notification of appointment, the board of arbitration shall  
30 meet and consider the necessity for the proposed changes and shall decide whether the  
31 boundaries shall be changed as requested in the petition or be left unchanged, which decision  
32 shall be final. The decision by the board of arbitration shall be rendered not more than thirty  
33 days after the matter is referred to the board. The chairman of the board of arbitration shall  
34 transmit the decision to the secretary of each district affected who shall enter the same upon the  
35 records of his district and the boundaries shall thereafter be in accordance with the decision of  
36 the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty  
37 dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the  
38 petitioners should they institute the appeal.

39 5. If the board of arbitration decides that the boundaries shall be left unchanged, no new  
40 petition for the same, or substantially the same, boundary change between the same districts shall  
41 be filed until after the expiration of two years from the date of the municipal election at which  
42 the question was submitted to the voters of the districts.

167.121. 1. If the residence of a pupil is so located that attendance in the district of  
2 residence constitutes an unusual or unreasonable transportation hardship because of natural  
3 barriers, travel time, or distance, the commissioner of education or his designee [may] **shall,**  
4 **upon proper application by the parent or guardian of the pupil,** assign the pupil to another  
5 district **if the following conditions are met:**

6 (1) **The actual driving distance from the student's residence to the attendance**  
7 **center in the district of residence is ten miles or more by the shortest route available;**

8 (2) **The attendance center to which the student would be assigned in the receiving**  
9 **district is at least five miles closer in actual driving distance by the shortest route available**  
10 **to the student's residence than the current attendance center in the residence district;**

11           **(3) The attendance of the student will not cause the classroom in the receiving**  
12 **district to exceed the number of students per class determined as the minimum set by**  
13 **school improvement standards;**

14           **(4) Once granted, the hardship assignment shall continue until the pupil, and any**  
15 **sibling of the pupil who attends the same attendance center, completes his or her course**  
16 **of study in the receiving district or the parent or guardian withdraws the pupil; or**

17           **(5) Once a parent or guardian withdraws a pupil from a hardship assignment, the**  
18 **granting of a subsequent application is discretionary.**

19           **2. If the residence of a pupil is so located that attendance in the district of residence**  
20 **constitutes an unusual or unreasonable transportation hardship because of natural**  
21 **barriers, travel time, or distance, the commissioner of education or his or her designee may**  
22 **assign the pupil to another district.**

23           **3.** Subject to the provisions of this section, all existing assignments shall be reviewed  
24 prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The  
25 board of education of the district in which the pupil lives shall pay the tuition of the pupil  
26 assigned. The tuition shall not exceed the pro rata cost of instruction.

27           **[2.] 4. (1)** For the school year beginning July 1, 2008, and each succeeding school year,  
28 a parent or guardian residing in a lapsed public school district or a district that has scored either  
29 unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual  
30 performance reports may enroll the parent's or guardian's child in the Missouri virtual school  
31 created in section 161.670 provided the pupil first enrolls in the school district of residence. The  
32 school district of residence shall include the pupil's enrollment in the virtual school created in  
33 section 161.670 in determining the district's average daily attendance. Full-time enrollment in  
34 the virtual school shall constitute one average daily attendance equivalent in the school district  
35 of residence. Average daily attendance for part-time enrollment in the virtual school shall be  
36 calculated as a percentage of the total number of virtual courses enrolled in divided by the  
37 number of courses required for full-time attendance in the school district of residence.

38           **(2)** A pupil's residence, for purposes of this section, means residency established under  
39 section 167.020. Except for students residing in a K-8 district attending high school in a district  
40 under section 167.131, the board of the home district shall pay to the virtual school the amount  
41 required under section 161.670.

42           **(3)** Nothing in this section shall require any school district or the state to provide  
43 computers, equipment, Internet or other access, supplies, materials or funding, except as  
44 provided in this section, as may be deemed necessary for a pupil to participate in the virtual  
45 school created in section 161.670.

46           (4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
47 under the authority delegated in this section shall become effective only if it complies with and  
48 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
49 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
50 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
51 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
52 proposed or adopted after August 28, 2007, shall be invalid and void.

✓